

S/N 09/920,072

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Forest Baker et al.

Examiner: Md S Elahee

Serial No.: 09/920,072

Group Art Unit: 2614

Filed: August 1, 2001

Docket: 2866.2.1

Title: Voice Transition Script Caller

Petition To Withdraw Holding Of Abandonment
Based On Failure To Receive Notice of Allowance
37 CFR Section 1.181

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Applicant hereby petitions to have the Notice of Abandonment in the above-captioned case withdrawn and a new Notice of Allowance sent to the undersigned. In support of its petition, Applicant's representative, who is the undersigned attorney of record and the correspondent of record in this case, affirmatively states the following:

- 1) The attorney of record did not receive the Notice of Allowance in the above-captioned case at the address of record;
- 2) The attorney of record received a Notice of Abandonment on June 30, 2010, and immediately took steps to ascertain the whereabouts of the Notice of Allowance referenced in the Notice of Abandonment;
- 3) These steps included a review of all of the physical files for this client, a review of the docket for this matter, an electronic search of the undersigned's calendaring system, and a search of all correspondence to this client around the time a Notice of Allowance would have been received;
- 4) The attorney of record represents the Applicant as a solo practitioner and Applicant is the attorney of record's *only* client as a solo practitioner with active pending applications before the USPTO;
- 5) The attorney of record records all office actions and documents from the USPTO which require a response on the file cover of the matter requiring the response (see copy of the file cover for this case attached hereto as exhibit A);
- 6) The attorney of record uses Microsoft Outlook to docket and calendar matters for the Applicant;

- 7) The attorney of record immediately calendars the deadline for responding to USPTO mailings in Microsoft Outlook upon receipt of any mailing requiring such a response;
- 8) The attorney of record also calendars reminders in Microsoft Outlook about two weeks prior to the deadline and about two months prior to the deadline of every mailing requiring a response;
- 9) In addition to its regular calendaring and docketing practices, the attorney of record routinely calendars additional reminders for the payment of issue fees;
- 10) The attorney of record's docket entries and/or calendar entries include the attorney docket number, the application number, the date the paper requiring response is received and the due date for the response.
- 11) As the Applicant is the only client which the undersigned represents as a solo practitioner that has pending patent matters before the USPTO, the undersigned receives relatively few mailings from the USPTO at the address of record for this application and thus pays particular attention to USPTO mailings when they come.
- 12) The undersigned checks his mail at the address of record with the USPTO almost daily.
- 13) After a diligent search, the attorney of record did not find any record of receiving the Notice of Allowance referenced in the Notice of Abandonment.
- 14) Applicant has a history of paying issue fees early when Applicant has received Notices of Allowance in other cases for this client. See the file history of now issued Patent Nos. 7,640,510 and 7,653,195.
- 15) Over the almost nine years of prosecution on this case, the attorney of record has been diligent in tracking and responding to deadlines. The attorney of record would not neglect to pay an issue fee at the end of nine-year prosecution and after such significant time and money has been put into obtaining allowable claims except for the fact that the attorney of record did not receive the Notice of Allowance.
- 16) All statements made are of the declarant's own knowledge and are true and all statements made on information and belief are believed to be true.

The undersigned acknowledges that willful false statements and the like are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing

thereon.

Applicant respectfully and earnestly requests that the Notice of Abandonment be withdrawn and that a new Notice of Allowance be sent to the undersigned.

Respectfully submitted,



David Fonda
Attorney of Record
Reg. No. 39,672

Date 7/2/2010

Exhibit A

Inventor Forrest S. Baker IVSerial No. 09/929,032Filed August 1, 2001Title Voice Transition Script Caller

Assignee _____

Assignment Recorded _____

Reel _____

Frame _____

OFFICE ACTIONS	AMENDMENTS
Initial Docketing: 8/1/01	NON-FINAL REJECTION 9/3/2009
Iss. filed: 10/2/01	TERMINAL DISCLAIMER 11/12/2009
Status Check: 1/2/03	TERMINAL DISCLAIMER 2/3/2010
Foreign Filing Deadline: 8/1/02	
1st. R: Foreign Filing: 2/1/02 sent 4/22/02	
Reminder letter foreign filing: 3/1/02	
Restriction Requirement 5/26/04	
1st. R and Rejection 7/19/04	
EXAMINER INTERVIEW SUMMARY RECORD 10/20/04	
Notice of Allowance 2/28/05	
RCE 5/31/05	
NON-FINAL REJECTION 6/30/05	
1st. R REJECTION 12/15/05	
RCE w/AMENDMENT 1/20/06	
NON-FINAL REJECTION 7/31/06	
1st. R AMENDMENT 12/04/06	
INTERVIEW SUMMARY 1/3/07	
NON-FINAL REJECTION 3/7/07	
AMENDMENT (imperative) 6/2/08	
PETITION 6/21/08	
DECISION TO ABANDON/AMENDMENT 11/14/08	
1st. R REJECTION 12/19/08	
RCE w/AMENDMENT 2/17/09	
ADVISORY ACTION 3/10/09	
RCE w/AMENDMENT 4/10/09	
SUPPLEMENTAL AMENDMENT 6/29/09	

Allowed _____

Final Fee Paid _____

Patent No. _____

Date _____

Canadian

INVENTOR

3866.2.1

Feature Files for Families
RE: Voice Transition Script C
Patent Application

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